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**Sent:** 9/6/2022 7:34:33 PM  
**To:** Gavin, Quinn [Gavin.Quinn@epa.gov]  
**Subject:** quick thoughts on SFIREG

- “40 C.F.R. § 152.25(a) which currently excludes seeds for planting coated with systemic pesticides.” “SFIREG urges EPA to amend 40 C.F.R. § 152.25(a), which currently excludes seeds for planting coated with pesticides, intended to kill pests of the seed or plant.

Response: This statement is incorrect and addressed in the response. Articles treated with systemic pesticides are not excluded from the treated article exemption conditions. An amendment is not needed for the coverage.

- With EPA’s consideration to regulate treated seeds, the concerns and questions hopefully can better address the use, management and regulation of treated seeds; the potential increased training and safety for mixers, applicators and producers; provide for proper and safe disposal; and provide for more complete risk assessments for the protection of pollinators, water quality, the environment, and the food supply.

Response: Not sure what this one means

- SFIREG requests EPA to review the complete and complex regulatory processes and potential gaps of treated seeds with regards to registration, risk assessments, compliance with FQPA, licensing, mixing, handling, treating, human health protection, drift management, fate and transport, drift, risk to pollinators and ESA considerations, recycling, reuses, disposal, label instructions, and overall federal and/or state lead agency regulation responsibilities.

Response: Most of this is addressed in the response and assessments. Issues specific to recycling, reuse, disposal and other federal/state responsibilities can be addressed in ANPRM.

The request for regulation of pesticide-treated seeds is based on the following issues and questions that have been brought forward:

- Concerns on the availability of data systems to track the active ingredients used in seed treatment products on specific commodities.

Response: ANPRM

- How can tracking of treated seeds be improved or accomplished?

Response: ANPRM

- Industry groups often cite that wide scale use of treated seeds is vital for crop production and the protection of seeds and emerging crops during the early growing season and that seed treatment reduces overall costs and pesticide use. Has EPA conducted the research to document the replacement and use reduction replacement of other types of applications and has EPA collected and evaluated such data to know the use and reduction data and statistics?

Response: ANPRM

- How are treated seed pesticide products included in risk assessments for the individual active ingredient reviews? The crops and food produced from treated seeds still need to meet the Food Quality Protection Act (FQPA) safety standards for reasonable certainty of no harm from consumption and exposure, and so how does EPA determine no adverse risk to humans or the environment if the treated seed aren’t included in the risk assessments.

Response: Addressed in assessment section and in actual assessments

○ What is the potential wide-scale impact to pollinators including native pollinators and what assessments of the potential impacts has EPA conducted when the treated seeds are considered to be in the treated article exemption category?

Response: Addressed in assessment section and in actual assessments

○ How long do the seed treatment residues last in crop production locations, soil, and has EPA evaluated the fate and transport science and risk?

Response: Addressed in assessment section and in actual assessments

○ What is the impact to non-target organisms and aquatic systems from use of treated seeds?

Response: Addressed in assessment section and in actual assessments

○ What are mechanisms to obtain better information on the use of treated seeds?

Response: ANPRM

○ Could stronger oversight of seed treatment applicators be considered as a measure to address issues with treated seeds? For example, their role related to the information that is required to be included on the seed bag tag/label.

Response: ANPRM, as to users of seed. Applicators of the seed treatment pesticide are already subject to FIFRA requirements, including requirements to produce specified seed bag tags.

○ Can states use label information transferred onto seed bag tags to enforce under existing authorities? Would the EPA registration number printed on seed bag tags enhance this authority?

Response: ANPRM

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